

Message Text

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ACTION HEW-06

INFO OCT-01 EA-10 ISO-00 OES-05 SP-02 L-03 INR-07 /034 W

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R 300446Z JUL 75

FM AMEMBASSY CANBERRA

TO SECSTATE WASHDC 6296

UNCLAS CANBERRA 5080

E.O. 11652: NA

TAGS: TBIO, AS

SUBJ: HEW REQUEST FOR INFO ON COMPENSATION TO SUBJECTS
INJURED THROUGH BIOMEDICAL RESEARCH EXPERIMENTATION

FOR QUINN, FOGARTY INTERNATIONAL CENTER, NIH, BETHESDA, MD.

REF: STATE 170457

1. EMBASSY HAS OBTAINED FOLLOWING INFORMATION IN RESPONSE TO REFTEL. MORE DETAILED INFORMATION COULD NOT BE OBTAINED AS THIS IS MATTER WHICH COMES WITHIN JURISDICTION OF INDIVIDUAL AUSTRALIAN STATES AND APPROACH TO VARIOUS STATE AUTHORITIES NOT POSSIBLE WITHIN ALLOTTED TIME.

2. HOSPITALS USUALLY TAKE OUT INDIVIDUAL INSURANCE COVER AGAINST CLAIMS OF MALPRACTICE OF INJURY THROUGH CLINICAL EXPERIMENTATION. IN VICTORIA, HOWEVER, STATE HOSPITALS COMMISSION INSURES ALL HOSPITALS. HOSPITALS ARE ALSO REQUIRED UNDER STATE WORKERS COMPENSATION ACTS ("WCA") TO INSURE IT EMPLOYEES AGAINST INJURY, DISEASE OR DEATH. UNDER WCA LUMP SUMS PAID TO DEPENDANTS ON DEATH RANGE UP TO A\$16,000 PLUS AN ADDITIONAL SUM (AROUND A\$8 PER WEEK) PAYABLE FOR EACH CHILD UNTIL CHILD REACHES 16 OR, IF FULL TIME STUDENT, 21 YEARS OF AGE. VARYING SUMS ARE PAYABLE FOR ILLNESS OR OTHER TYPES OF INJURIES.

3. UNIVERSITIES AND OTHER RESEARCH CENTERS ARE ALSO REQUIRED TO COVER EMPLOYEES UNDER WCA'S. SAME COMPENSATION AVAILABLE AS OUTLINED PARA 2.

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4. NO INFORMATION AVAILABLE ON AMOUNTS PAID FOR CLAIMS
OUTSIDE WCA.

5. IN WCA CASES, UNLESS CLAIM IS CONTESTED BY EMPLOYER,
PAYMENT OF COMPENSATION IS AUTOMATIC WITH INJURED PARTY
REQUIRED ONLY TO SUBMIT REPORT OF CIRCUMSTANCES OF
ACCIDENT. CLAIMS FOR COMPENSATION FOR INJURIES THROUGH
CLINICAL EXPERIMENTATION OR MALPRACTICE ARE NORMALLY
MADE THROUGH COURTS.

6. IN LIMITED TIME AVAILABLE, EMBASSY HAS NOT BEEN
ABLE TO OBTAIN STATISTICS ON THESE ACCIDENTS.

7. ALTHOUGH THERE IS NO ONE PERSON CONVERSANT WITH
ALL REGULATIONS, MOST APPROPRIATE CONTACT IS DR. K.
EDMONDSON, FIRST ASSISTANT DIRECTOR GENERAL, NATIONAL
HEALTH AND MEDICAL RESEARCH COUNCIL DIVISION, DEPARTMENT
OF HEALTH, CANBERRA, 2600 AUSTRALIA.
GREEN

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